THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17265 OF 1998

ORAL ORDER:

This writ petition is filed aggrieved by the order dated 7.1.1998 passed by the 1st respondent-Revenue Divisional Officer, under Section 5(5) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short "the Act").

The facts in brief are as under:

The petitioner claims to be the owner and possessor of Ac.2.31 gts of land situated in Sy.No.326 of Toole-kurd village, Yacharam Mandal, Ranga Reddy District, having purchased the same under a registered sale deed dated 15.2.1994 from one Belde Narsimha. While so, it appears that the 3rd respondent herein made an application before the 2nd respondent for correction of record of rights with regard to the entry made in respect of Ac.3.13 gts in Sy.No.326, claiming that certain land was transferred to him by the petitioner's vendor Belde Narsimha under an unregistered document. Pursuant there to, the 2nd respondent by proceedings dated 30.3.1993 mutated the name of the 3rd respondent in respect of the said land, which includes Ac.2.31 gts of petitioner's land. Aggrieved by the same, the petitioner preferred an Appeal before the 1st respondent under Section 5(5) of the Act contending that the order passed by the 2nd respondent without notice either to him or to his vendor is arbitrary and illegal. The said appeal was disposed of by the 1st respondent on the basis of a compromise memo dated 1.1.1998 observing that under the said compromise memo, both parties have compromised themselves outside the Court agreeing that out of the disputed land, the 3rd respondent will get 20 gts of land; the petitioner will get 10 gunts and another extent of 10 gts of land will be allotted to one Gude Chandraiah. Accordingly, the Mandal Revenue Officer was directed to issue fresh pattedar pass books as

per the compromise.

The said order passed by the 1st respondent dated 7.1.1998 is under challenge in this writ petition.

It is primarily contended by the petitioner that the compromise memo dated 1.1.1998, on the basis of which the appeal was disposed of by the 1st respondent, was signed by the 3rd respondent herein and some other third parties, and since the petitioner was not a party to the same, the agreement if any, entered into under the said memo is not binding on him. A copy of the compromise memo placed before this Court shows that the petitioner was not a signatory to the said document, which was described as a copy of resolution.

The specific plea of the petitioner that he was not a party to the compromise memo dated 1.1.1998 is not disputed by any of the respondents.

Though *Rule nisi* was ordered on 24.6.1998 none of the respondents filed counters.

It is also relevant to note that this Court granted interim suspension of the orders of the respondents 1 and 2 on 24.6.1998 and the same continued to be in operation throughout.

In the circumstances, accepting the uncontroverted averments in the writ petition, the impugned order is set aside and writ petition is disposed of with a direction to the 1st respondent to decide the appeal preferred against the order of the 2nd respondent dated 30.3.1993 and pass appropriate orders afresh after due notice to all the persons concerned following due process of law. No costs.

(G. ROHINI, J).

13th June, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17265 OF 1998

13th June, 2007.

Between:

Doddi Parvatalu. .. Petitioner.

And

Revenue Divisional Officer,
East Division, Ranga Reddy District
and others. .. Respondents.